

ESTTA Tracking number: **ESTTA372095**

Filing date: **10/06/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91195527
Party	Plaintiff Everett W. James a/k/a Tad James
Correspondence Address	MARTIN E. HSIA CADES SCHUTTE LLP 1000 BISHOP STREET, SUITE 1200 HONOLULU, HI 96813 UNITED STATES mhsia@cades.com, kashigemura@cades.com, gsenda@cades.com
Submission	Motion for Sanctions
Filer's Name	Martin E. Hsia, Reg. No. 32,471
Filer's e-mail	mhsia@cades.com, cmiwa@cades.com, bhairston@cades.com
Signature	/Martin E. Hsia/
Date	10/06/2010
Attachments	Motion for Sanctions.PDF (4 pages)(133379 bytes) Declaration of Counsel.PDF (2 pages)(53162 bytes) Exhibits A-F.PDF (17 pages)(444011 bytes) Certificate of Service.PDF (1 page)(19446 bytes)

IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EVERETT W. JAMES,)	
)	
Opposer,)	
)	Opposition No.: 91195527
v.)	
)	Serial No. 76/697,692
ALICE DENDINGER ALLIANCE)	
GROUP, L.L.C.,)	
)	
Applicant.)	
_____)	

OPPOSER’S MOTION FOR SANCTIONS

I. INTRODUCTION.

Opposer EVERETT W. JAMES, also known as TAD JAMES (“Opposer”), submits the following for his Motion For Sanctions (the “Motion”) against Applicant ALICE DENDINGER ALLIANCE GROUP, L.L.C. (“Applicant”). As set forth more fully below, Opposer respectfully requests that his Motion be granted, and that default judgment be entered in favor of Opposer, because Applicant has continued to refuse to participate in the Board-ordered Discovery Conference.

II. BACKGROUND.

On June 28, 2010, Opposer filed its Notice of Opposition, opposing registration of the mark “TIMELINE TRAINING ” shown in Trademark Application Serial No. 76/697,692 filed by Applicant for “Educational services, namely, lecturing, training, conducting classes, seminars, conferences and workshops in the field of employee development” in International Class 41 (the “Application”).

On June 28, 2010, Applicant, through counsel, Justin M. Welch, filed a Change of Correspondence Address, pursuant to which a new correspondence address for Mr. Welch was

designated: Blazier, Christensen, Bigelow & Virr PC, 221 West Sixth Street, Suite 2000, Austin, TX, 78701. A copy of the Change of Correspondence Address is attached hereto as Exhibit “A”.

On July 1, 2010, the Board’s institution order, a copy of which is attached hereto as Exhibit “B”, was mailed to Applicant’s correspondent, Mr. Welch, at the new address.

Among other things, the Board’s institution order stated that Applicant’s answer to the Notice of Opposition was due on August 10, 2010, that the deadline for the parties’ Discovery Conference was September 9, 2010, and that Initial Disclosures would be due on October 9, 2010. See Exhibit “B” attached hereto.

On August 10, 2010, Applicant, through its counsel, Mr. Welch, filed its Answer To Opposition.

In view of the Board’s institution order and the requirements for a Discovery Conference, on September 7, 2010, Opposer’s counsel sent an email to Mr. Welch, requesting him to contact Opposer’s counsel given the then upcoming Discovery Conference deadline. See Exhibit “C” attached hereto. Opposer’s counsel received no response to the September 7 email. See attached Declaration of Counsel (“Counsel’s Dec.”), at ¶ 5.

On September 9, 2010, Opposer’s counsel called Mr. Welch’s office and was advised that he was at a hearing. See Counsel’s Dec. at ¶ 6. Opposer’s counsel left a message, requesting that Mr. Welch return the call to discuss the above-captioned proceeding. Id. On September 9, 2010, Opposer’s counsel also sent another email to Mr. Welch, confirming the telephone message and requesting that Mr. Welch call back. See Exhibit “D” attached hereto. However, Opposer’s counsel received no response to either the telephone message or the September 9 email. See Counsel’s Dec. at ¶ 9.

On September 17, 2010, Opposer’s counsel sent Mr. Welch a letter, requesting that he contact Opposer’s counsel to discuss the discovery and related Discovery Conference

issues. See Exhibit “E” attached hereto. Opposer’s counsel received no response to the September 17 letter. See Counsel’s Dec. at ¶ 10.

On September 30, 2010, Opposer’s counsel sent Mr. Welch another letter, requesting the Discovery Conference and advising that Opposer would file this Motion if no response was received by October 5, 2010. See Exhibit “F” attached hereto. As of this date, Opposer’s counsel has not received any response to the September 30 letter, or any of the other above-mentioned attempts to arrange the required Discovery Conference. See Counsel’s Dec. at ¶ 11.

III. ARGUMENT.

Trademark Rule 2.120(g)(1) provides, in pertinent part, as follows:

(g) Sanctions. (1) If a party fails to participate in the required discovery conference, or if a party fails to comply with an order of the Trademark Trial and Appeal Board relating to disclosure or discovery, including a protective order, the Board may make any appropriate order, including those provided in Rule 37(b)(2) of the Federal Rules of Civil Procedure, except that the Board will not hold any person in contempt or award expenses to any party.

37 CFR § 2.120(g)(1) (emphasis added).

Rule 37(b)(2) of the Federal Rules of Civil Procedure provides that sanctions are appropriate for failure to obey an order, including entry of a default judgment against the disobedient party.

(A) For Not Obeying a Discovery Order. If a party or a party’s officer, director, or managing agent – or a witness designated under Rule 30(b)(6) or 31(a)(4) – fails to obey an order to provide or permit discovery, including an order under Rule 26(f), 35, or 37(a), the court where the action is pending may issue further just orders. They may include the following:

* * *

(vi) rendering a default judgment against the disobedient party; . . .

See also TBMP § 527.01(a) (Rev. 1, Mar. 2004) (“The sanctions which may be entered by the Board include, inter alia, . . . entering judgment against the disobedient party.”).

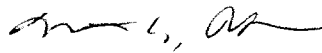
Because Applicant failed to comply with the Board’s institution order requiring a Discovery Conference to be held by September 9, 2010, and because Applicant has continued to refuse to participate in the Board-mandated Discovery Conference despite Opposer’s numerous attempts to schedule a Discovery Conference, Opposer submits that sanctions are appropriate. Although Applicant has filed an answer to the Notice of Opposition, it is apparent from Applicant’s minimalist answer and continuing refusal to participate in the Discovery Conference that Applicant does not seriously intend to dispute Opposer’s claims in this proceeding. Accordingly, sanctions, including entry of a default judgment against Applicant, are appropriate.

IV. CONCLUSION.

For all the foregoing reasons, Applicant respectfully submits that the Motion should be granted, that default judgment should be entered against Applicant, and that the application should be refused.

DATED: Honolulu, Hawaii, October 6, 2010.

Respectfully submitted,



Martin E. Hsia, Reg. No. 32,471
CADES SCHUTTE LLP
A Limited Liability Law Partnership
1000 Bishop Street, Suite 1200
Honolulu, HI 96813
Tel: (808) 521-9200

Attorneys for Opposer
EVERETT W. JAMES aka TAD JAMES

IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EVERETT W. JAMES,)	
)	
Opposer,)	
)	Opposition No.: 91195527
v.)	
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ALICE DENDINGER ALLIANCE)	
GROUP, L.L.C.,)	
)	
Applicant.)	
_____)	

DECLARATION OF COUNSEL

I, COLIN O. MIWA, hereby declare as follows:

1. I am a partner of Cades Schutte A Limited Liability Law Partnership, counsel for Opposer, and am duly authorized to make this declaration, which is based upon my personal knowledge and information unless otherwise stated.
2. Attached hereto as Exhibit "A" is a true and correct copy of the Change of Correspondence Address, dated June 28, 2010.
3. Attached hereto as Exhibit "B" is a true and correct copy of the Board's institution order, dated July 1, 2010.
4. Attached hereto as Exhibit "C" is a true and correct copy of an email to Justin M. Welch from Colin O. Miwa, dated September 7, 2010.
5. Opposer's counsel received no response to the September 7 email.
6. On September 9, 2010, Opposer's counsel called Mr. Welch's office and was advised that he was at a hearing. Opposer's counsel left a message, requesting that Mr. Welch return the call to discuss the above-captioned proceeding.

7. On September 9, 2010, Opposer's counsel also sent another email to Mr. Welch, confirming the telephone message and requesting that Mr. Welch call back.

8. Attached hereto as Exhibit "D" is a true and correct copy of an email to Justin M. Welch from Colin O. Miwa, dated September 9, 2010.

9. Opposer's counsel received no response to either the telephone message or the September 9 email.

10. Attached hereto as Exhibit "E" is a true and correct copy of a letter to Justin M. Welch from Colin O. Miwa, dated September 17, 2010. Opposer's counsel received no response to the September 17 letter.

11. Attached hereto as Exhibit "F" is a true and correct copy of a letter to Justin M. Welch from Colin O. Miwa, dated September 30, 2010. As of this date, Opposer's counsel received no response to the September 30 letter.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his own knowledge are true; and all statements made on information and belief are believed to be true.

DATED: Honolulu, Hawaii, October 6, 2010.



COLIN O. MIWA

EXHIBIT “A”

Change Of Correspondence Address

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76697692
LAW OFFICE ASSIGNED	LAW OFFICE 109
MARK SECTION	
MARK	TIMELINE TRAINING
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	JUSTIN M. WELCH BLAZIER, CHRISTENSEN, BIGELOW & VIRR 221 WEST SIXTH STREET SUITE 1500 AUSTIN Texas 78701-3435 United States (512) 476.2622 (512) 476.8685 WWW.BLAZIERLAW.COM
NEW CORRESPONDENCE ADDRESS	
NEW ADDRESS	Justin M. Welch Blazier Christensen Bigelow & Virr PC 221 West 6th Street, Suite 2000 Austin Texas United States 78701 512-476-2622 512-476-8685
SIGNATURE SECTION	
SIGNATURE	/Justin M. Welch/
SIGNATORY NAME	Justin M. Welch
SIGNATORY DATE	06/28/2010
SIGNATORY POSITION	Attorney of Record, Texas
AUTHORIZED SIGNATORY	YES

EXHIBIT A

FILING INFORMATION SECTION

SUBMIT DATE

Mon Jun 28 15:54:28 EDT 2010

TEAS STAMP

USPTO/CCA-216.215.80.34-2
0100628155428773252-76697
692-460dfec8fa7a6b12fe463
af2bfa5ec33-N/A-N/A-20100
628154739807321

EXHIBIT “B”

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: July 1, 2010

Opposition No 91195527
Serial No. 76697692

JUSTIN M. WELCH
BLAZIER CHRISTENSEN BIGELOW & VIRR PC
221 WEST 6TH STREET, SUITE 2000
AUSTIN, TX 78701

Everett W. James a/k/a Tad James

v.

Alice Dendinger Alliance Group,
L.L.C.

MARTIN E. HSIA
CADES SCHUTTE LLP
1000 BISHOP STREET, SUITE 1200
HONOLULU, HI 96813

Millicent Canady, Paralegal Specialist:

A notice of opposition to the registration sought by the above-identified application has been filed. A service copy of the notice of opposition was forwarded to applicant (defendant) by the opposer (plaintiff). An electronic version of the notice of opposition is viewable in the electronic file for this proceeding via the Board's TTABVUE system: <http://ttabvue.uspto.gov/ttabvue/>.

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations ("Trademark Rules"). These rules may be viewed at the USPTO's trademarks page: <http://www.uspto.gov/main/trademarks.htm>. The Board's main webpage (<http://www.uspto.gov/web/offices/dcom/ttab/>) includes information on amendments to the Trademark Rules applicable to Board proceedings, on Alternative Dispute Resolution (ADR), Frequently Asked Questions about Board proceedings, and a web link to the Board's manual of procedure (the TBMP).

Plaintiff must notify the Board when service has been ineffective, within 10 days of the date of receipt of a returned service copy or the date on which plaintiff learns that service has been ineffective. Plaintiff has no subsequent duty to investigate the defendant's whereabouts, but if plaintiff by its own voluntary investigation or

EXHIBIT B

through any other means discovers a newer correspondence address for the defendant, then such address must be provided to the Board. Likewise, if by voluntary investigation or other means the plaintiff discovers information indicating that a different party may have an interest in defending the case, such information must be provided to the Board. The Board will then effect service, by publication in the Official Gazette if necessary. See Trademark Rule 2.118. In circumstances involving ineffective service or return of defendant's copy of the Board's institution order, the Board may issue an order noting the proper defendant and address to be used for serving that party.

Defendant's ANSWER IS DUE FORTY DAYS after the mailing date of this order. (See Patent and Trademark Rule 1.7 for expiration of this or any deadline falling on a Saturday, Sunday or federal holiday.) **Other deadlines the parties must docket or calendar are either set forth below (if you are reading a mailed paper copy of this order) or are included in the electronic copy of this institution order viewable in the Board's TTABVue system at the following web address: <http://ttabvue.uspto.gov/ttabvue/>.**

Defendant's answer and any other filing made by any party must include proof of service. See Trademark Rule 2.119. **If they agree to, the parties may utilize electronic means, e.g., e-mail or fax, during the proceeding for forwarding of service copies.** See Trademark Rule 2.119(b)(6).

The parties also are referred in particular to Trademark Rule 2.126, which pertains to the form of submissions. **Paper submissions, including but not limited to exhibits and transcripts of depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.**

Time to Answer	8/10/2010
Deadline for Discovery Conference	9/9/2010
Discovery Opens	9/9/2010
Initial Disclosures Due	10/9/2010
Expert Disclosures Due	2/6/2011
Discovery Closes	3/8/2011
Plaintiff's Pretrial Disclosures	4/22/2011
Plaintiff's 30-day Trial Period Ends	6/6/2011
Defendant's Pretrial Disclosures	6/21/2011
Defendant's 30-day Trial Period Ends	8/5/2011
Plaintiff's Rebuttal Disclosures	8/20/2011
Plaintiff's 15-day Rebuttal Period Ends	9/19/2011

As noted in the schedule of dates for this case, the parties are required to have a conference to discuss: (1) the nature of and basis for their respective claims and defenses, (2) the possibility of settling the case or at least narrowing the scope of claims or defenses, and (3) arrangements relating to disclosures, discovery and introduction of evidence at trial, should the parties not agree to settle the case.

See Trademark Rule 2.120(a)(2). Discussion of the first two of these three subjects should include a discussion of whether the parties wish to seek mediation, arbitration or some other means for resolving their dispute. Discussion of the third subject should include a discussion of whether the Board's Accelerated Case Resolution (ACR) process may be a more efficient and economical means of trying the involved claims and defenses. Information on the ACR process is available at the Board's main webpage. Finally, if the parties choose to proceed with the disclosure, discovery and trial procedures that govern this case and which are set out in the Trademark Rules and Federal Rules of Civil Procedure, then they must discuss whether to alter or amend any such procedures, and whether to alter or amend the Standard Protective Order (further discussed below). Discussion of alterations or amendments of otherwise prescribed procedures can include discussion of limitations on disclosures or discovery, willingness to enter into stipulations of fact, and willingness to enter into stipulations regarding more efficient options for introducing at trial information or material obtained through disclosures or discovery.

The parties are required to conference in person, by telephone, or by any other means on which they may agree. A Board interlocutory attorney or administrative trademark judge will participate in the conference, upon request of any party, provided that such participation is requested no later than ten (10) days prior to the deadline for the conference. See Trademark Rule 2.120(a)(2). The request for Board participation must be made through the Electronic System for Trademark Trials and Appeals (ESTTA) or by telephone call to the interlocutory attorney assigned to the case, whose name can be found by referencing the TTABVUE record for this case at <http://ttabvue.uspto.gov/ttabvue/>. The parties should contact the assigned interlocutory attorney or file a request for Board participation through ESTTA only after the parties have agreed on possible dates and times for their conference. Subsequent participation of a Board attorney or judge in the conference will be by telephone and the parties shall place the call at the agreed date and time, in the absence of other arrangements made with the assigned interlocutory attorney.

The Board's Standard Protective Order is applicable to this case, but the parties may agree to supplement that standard order or substitute a protective agreement of their choosing, subject to approval by the Board. The standard order is available for viewing at: <http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>. Any party without access to the web may request a hard copy of the standard order from the Board. The standard order does not automatically protect a party's confidential information and its provisions must be utilized as needed by the parties. See Trademark Rule 2.116(g).

Information about the discovery phase of the Board proceeding is available in chapter 400 of the TBMP. By virtue of amendments to the Trademark Rules effective November 1, 2007, the initial disclosures and expert disclosures scheduled during the discovery phase are required only in cases commenced on or after that date. The TBMP has not yet been amended to include information on these disclosures and the parties are referred to the August 1, 2007 Notice of Final Rulemaking (72 Fed. Reg. 42242) posted on the Board's webpage. The deadlines for pretrial disclosures included in the trial phase of the schedule for this case

also resulted from the referenced amendments to the Trademark Rules, and also are discussed in the Notice of Final Rulemaking.

The parties must note that the Board allows them to utilize telephone conferences to discuss or resolve a wide range of interlocutory matters that may arise during this case. In addition, the assigned interlocutory attorney has discretion to require the parties to participate in a telephone conference to resolve matters of concern to the Board. See TBMP § 502.06(a) (2d ed. rev. 2004).

The TBMP includes information on the introduction of evidence during the trial phase of the case, including by notice of reliance and by taking of testimony from witnesses. See TBMP §§ 703 and 704. Any notice of reliance must be filed during the filing party's assigned testimony period, with a copy served on all other parties. Any testimony of a witness must be both noticed and taken during the party's testimony period. A party that has taken testimony must serve on any adverse party a copy of the transcript of such testimony, together with copies of any exhibits introduced during the testimony, within thirty (30) days after the completion of the testimony deposition. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing after briefing is not required but will be scheduled upon request of any party, as provided by Trademark Rule 2.129.

If the parties to this proceeding are (or during the pendency of this proceeding become) parties in another Board proceeding or a civil action involving related marks or other issues of law or fact which overlap with this case, they shall notify the Board immediately, so that the Board can consider whether consolidation or suspension of proceedings is appropriate.

ESTTA NOTE: For faster handling of all papers the parties need to file with the Board, the Board strongly encourages use of electronic filing through the Electronic System for Trademark Trials and Appeals (ESTTA). Various electronic filing forms, some of which may be used as is, and others which may require attachments, are available at <http://estta.uspto.gov>.

EXHIBIT “C”

Colin Miwa

From: Colin Miwa
Sent: Tuesday, September 07, 2010 3:40 PM
To: 'jwelch@blazierlaw.com'
Cc: Martin Hsia
Subject: Opposition No. 91195527; Everett James/Alice Dendinger Alliance Group, LLC, Application 76/697,692 for "TIMELINE TRAINING"

Dear Mr. Welch:

Please give me a call at your earliest convenience to discuss the above-referenced trademark opposition proceeding. Martin Hsia and I represent the Opposer in this matter, and it is my understanding that you represent the Applicant. The deadline for the discovery conference is set for 9/9/10. Thank you.

Colin O. Miwa, Esq.
Cades Schutte
A Limited Liability Law Partnership
1000 Bishop Street, 10th Floor
Honolulu, HI 96813
Phone: (808) 544-3841
Fax: (808) 540-5011
E-mail: cmiwa@cades.com

EXHIBIT C

9/8/2010

EXHIBIT “D”

Colin Miwa

From: Colin Miwa
Sent: Thursday, September 09, 2010 9:20 AM
To: 'jwelch@blazierlaw.com'
Cc: Martin Hsia
Subject: RE: Opposition No. 91195527; Everett James/Alice Dendinger Alliance Group, LLC, Application 76/697,692 for "TIMELINE TRAINING"

Dear Mr. Welch:

Following up on my email to you the other day and quoted below, this is to confirm my telephone call today to your office. I was advised by your assistant that you are at a hearing this afternoon. Please give me a call to discuss this matter.

Colin O. Miwa, Esq.
 Cades Schutte
 A Limited Liability Law Partnership
 1000 Bishop Street, 10th Floor
 Honolulu, HI 96813
 Phone: (808) 544-3841
 Cell: (808) 343-5565
 Fax: (808) 540-5011
 E-mail: cmiwa@cades.com

-----Original Message-----

From: Colin Miwa
Sent: Tuesday, September 07, 2010 3:40 PM
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Cc: Martin Hsia
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 A Limited Liability Law Partnership
 1000 Bishop Street, 10th Floor
 Honolulu, HI 96813
 Phone: (808) 544-3841
 Fax: (808) 540-5011
 E-mail: cmiwa@cades.com

EXHIBIT D

9/9/2010

EXHIBIT “E”

September 17, 2010

Colin O. Miwa
Direct Line: (808) 544-3841
Direct Fax: (808) 540-5011
E-mail: cmiwa@ca-des.com

Justin M. Welch, Esq.
Blazier Christensen Bigelow & Virr
221 West Sixth Street, Suite 2000
Austin, Texas 78701

Re: *Everett W. James v. Alice Dendinger Alliance Group, L.L.C.*;
Opposition No. 91195527 to Application Serial No. 76/697,692
for "TIMELINE TRAINING"

Dear Mr. Welch:

The purpose of this letter is to follow up on my prior email to you on September 7 and 9, 2010 (copies enclosed) and my telephone call to you of September 9, 2010. As I stated in my email and telephone message, I am attempting to discuss with you the discovery and related conference issues pertaining to the above-referenced opposition proceeding, pursuant to Trademark Rule 2.120(a)(2) and the Board's institution order dated July 1, 2010.

Please contact me to discuss the above matter at your earliest convenience.

Very truly yours,



Colin O. Miwa
for
CADES SCHUTTE
A Limited Liability Law Partnership

Enclosure

cc: Martin E. Hsia, Esq.

ImanageDB:1447028.1

EXHIBIT E

CADES SCHUTTE
221 West Sixth Street, Suite 2000
Austin, Texas 78701
Tel: (808) 544-3841
Fax: (808) 540-5011
E-mail: cmiwa@ca-des.com

CADES SCHUTTE
221 West Sixth Street, Suite 2000
Austin, Texas 78701
Tel: (808) 544-3841
Fax: (808) 540-5011
E-mail: cmiwa@ca-des.com

Colin Miwa

From: Colin Miwa
Sent: Thursday, September 09, 2010 9:20 AM
To: 'jwelch@blazierlaw.com'
Cc: Martin Hsia
Subject: RE: Opposition No. 91195527; Everett James/Alice Dendinger Alliance Group, LLC, Application 76/697,692 for "TIMELINE TRAINING"

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Fax: (808) 540-5011
E-mail: cmiwa@cades.com

-----Original Message-----

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Sent: Tuesday, September 07, 2010 3:40 PM
To: 'jwelch@blazierlaw.com'
Cc: Martin Hsia
Subject: Opposition No. 91195527; Everett James/Alice Dendinger Alliance Group, LLC, Application 76/697,692 for "TIMELINE TRAINING"

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Honolulu, HI 96813
Phone: (808) 544-3841
Fax: (808) 540-5011
E-mail: cmiwa@cades.com

9/17/2010

EXHIBIT “F”

September 30, 2010

Colin O. Miwa
Direct Line: (808) 544-3841
Direct Fax: (808) 540-5011
E-mail: cmiwa@codes.com

Justin M. Welch, Esq.
Blazier Christensen Bigelow & Virr
221 West Sixth Street, Suite 2000
Austin, Texas 78701

Re: *Everett W. James v. Alice Dendinger Alliance Group, L.L.C.*;
Opposition No. 91195527 to Application Serial No. 76/697,692
for "TIMELINE TRAINING"

Dear Mr. Welch:

The purpose of this letter is to follow up on my prior email to you on September 7 and 9, 2010, my telephone call to you and message of September 9, 2010, and my letter to you of September 17, 2010. As of this date, we have not received any response to any of the above.

As I stated in my prior email, telephone message, and letter, I am attempting to discuss with you the discovery and related conference issues pertaining to the above-referenced opposition proceeding, pursuant to Trademark Rule 2.120(a)(2) and the Board's institution order dated July 1, 2010.

Please contact me to discuss the above matter at your earliest convenience. If I do not receive an appropriate response by October 5, 2010, we will proceed to file a motion pursuant to Trademark Rule 2.120(g).

Very truly yours,



Colin O. Miwa
for
CADES SCHUTTE
A Limited Liability Law Partnership

cc: Martin E. Hsia, Esq.

lmanageDB:1456102.1

EXHIBIT F

IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

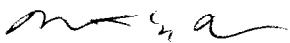
EVERETT W. JAMES,)	
)	
Opposer,)	
)	Opposition No.: 91195527
v.)	
)	Serial No. 76/697,692
ALICE DENDINGER ALLIANCE)	
GROUP, L.L.C.,)	
)	
Applicant.)	
_____)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this date, a true and correct copy of OPPOSER'S
MOTION FOR SANCTIONS was mailed by U.S. First Class Mail, postage prepaid, to:

JUSTIN M. WELCH, ESQ.
Blazier, Christensen, Bigelow & Virr PC
221 West Sixth Street, Suite 2000
Austin, TX, 78701

DATED: Honolulu, Hawaii, October 6, 2010.



Martin E. Hsia, Reg. No. 32,471
CADES SCHUTTE LLP
1000 Bishop Street, Suite 1200
Honolulu, HI 96813
(808) 544-3835

Attorneys for Opposer
EVERETT W. JAMES aka TAD JAMES